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Convention on the Rights of the Child

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Committee on the Rights of the Child
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Item 4 of the provisional agenda
Consideration of State party reports

List of issues in relation to the report submitted by Algeria under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Addendum

Replies of Algeria to the list of issues*

[Date received: 23 February 2018]

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Reply to the issues raised in paragraph 1

1. Recognizing children as a vital force, the Algerian Government attaches great importance to the protection and education of children, which it considers a driving force of human development. Thus, the authorities pay particular attention to children in order to ensure social cohesion and improve their well-being.

2. Algeria reaffirmed its policy of child protection in the most recent amendments to the Constitution dated 6 March 2016, article 72 in particular.

3. Act No. 15-12 of 15 July 2015 on the protection of children, which covers the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, clearly defines rules and mechanisms for the protection of children.

4. Article 11 of the Act provides for the establishment, under the office of the Prime Minister, of the National Body for the Protection and Advancement of Children, chaired by the National Child Protection Ombudsman, which is responsible for ensuring the protection and promotion of children's rights and which enjoys legal personality and financial autonomy.

5. The National Child Protection Ombudsman is tasked with promoting children's rights through, inter alia:

- The establishment and periodic evaluation of national and local programmes for the protection and promotion of children's rights in coordination with the various public departments, institutions and establishments and persons working in the field of child protection;
- The monitoring of actions in the field of child protection and coordination among the various actors;
- Awareness-raising, information and communication activities;
- Encouragement of research and teaching on children's rights in order to understand the economic, social and/or cultural reasons for the neglect, abuse and exploitation of children, and the development of appropriate policies for their protection;
- The expression of opinions on national legislation relating to children's rights with a view to its improvement;
- Promoting the participation of civil society in the monitoring and promotion of children's rights.

6. The National Child Protection Ombudsman contributes to the preparation of State reports on children's rights submitted to specialized international and regional institutions.

7. Executive Decree No. 16-334 of 19 December 2016, establishing the terms and conditions for the organization and functioning of the National Body for the Protection and Advancement of Children, provides that the Body is responsible, inter alia, for protecting children by examining any violations, that it has observed or that have been reported to it, of the rights of children whose health, morality, education or security is, or is likely to be, in danger, whose living conditions or behaviour may expose them to a potential danger or jeopardize their future, or whose environment puts their physical, psychological or educational well-being at risk.

8. The Body is also charged with promoting children's rights in coordination with the various government departments and agencies, and with all persons responsible for the protection of children and the various stakeholders in this area.

9. As part of its responsibilities, the Body works to promote cooperation in the field of children's rights with United Nations bodies, specialized regional organizations and national children's rights institutions in other countries, as well as with non-governmental organizations (NGOs).

10. The Body also works to establish cooperative relations with the associations and national institutions active in the different areas of children's rights and related areas.

11. Pursuant to article 17 of the Executive Decree, a standing coordination committee, chaired by the Ombudsman, was set up in March 2017.

12. The committee, which is composed of representatives of 15 ministerial departments, the Directorate-General of National Security, the High Command of the National Gendarmerie and civil society, addresses issues related to the protection and promotion of children's rights.

13. The development of a new action plan is currently being finalized. However, since its establishment, the Body has:

- Launched a free telephone hotline to receive complaints on violations of children's rights;
- Established a unit to receive reports at the headquarters of the National Body for the Promotion and Protection of Children;
- Launched the Body's website, www.onppe.dz, which has a dedicated link for the online reporting of cases of children at risk.

14. The National Body for the Protection and Advancement of Children collects data for the establishment of an information system on the situation of children in Algeria, in coordination with the departments and institutions concerned, and a first set of indicators related to child protection, health, education and social protection has been validated.

Reply to the issues raised in paragraph 2

15. In accordance with article 13 of Act No. 15-12 of 15 July 2015 on the protection of children, the National Body for the Protection and Advancement of Children is mandated to establish a national information system on the situation of children in Algeria in coordination with the departments and institutions concerned.

Reply to the issues raised in paragraph 3

16. According to Presidential Decree No. 17-67 of 9 February 2017, amending and supplementing Presidential Decree No. 10-97 of 18 March 2010 on the status of the Cadets of the Nation, the status of "cadet" is acquired by any male or female candidate admitted to pursue studies in Cadets of the Nation academies, which are created as required by presidential decree.

Reply to the issues raised in paragraph 4

17. Algeria does not have experience of such cases.

Reply to the issues raised in paragraph 5

18. Algeria does not have experience of such cases.

Reply to the issues raised in paragraph 6

19. Child victims of terrorism perpetrated by armed groups during the period of the national tragedy were entitled to psychological treatment through mechanisms set up for their benefit. This sector of the population benefited from rehabilitation, education and reintegration measures undertaken by psychologists and other specialized staff trained for that purpose.

20. Public institutions and civil society have been involved in these rehabilitation and readaptation programmes, which have enabled child victims to overcome situations of trauma thanks to appropriate treatment.

Reply to the issues raised in paragraph 7

21. Under Act No. 06-08 of 17 April 2006, ratifying Ordinance No. 06-02 of 28 February 2006 establishing general regulations for military personnel, a person cannot be recruited into the National People's Army as either a career or contractual member unless he or she meets the age requirements.

22. Under article 10 (2) of Presidential Decree No. 08-134 of 6 May 2008, regulating the conditions of recruitment of career officers of the National People's Army, individuals must be at least 18 years of age to apply for the competitive recruitment examination.

23. Article 3 of Act No. 14-06 of 9 August 2014 on national service stipulates that national service is compulsory for all Algerian male citizens over the age of 19.

Reply to the issues raised in paragraph 8

Reply 8.1

24. Pupils in the Cadets of the Nation academies are not subject to military law and discipline, as stipulated in article 5 of Presidential Decree No. 08-340 of 26 October 2008 concerning the Cadets of the Nation academy, whose objective is to provide education at the middle and/or secondary levels only.

25. Educational curricula and final examinations are the same as those in the national education sector, in accordance with article 23 of the above-mentioned Presidential Decree.

26. Teaching is provided by personnel attached to the Ministry of National Education, seconded to the Ministry of National Defence. Article 32 of the Presidential Decree provides that cadets take part in end-of-cycle examinations organized by the Ministry of Education with a view to obtaining, after each cycle, a middle school certificate or a secondary school baccalaureate.

Reply 8.2

27. The minimum age of access is that established by the Ministry of National Education for middle or secondary school.

Reply 8.3

28. There is no weapons training; the training provided is the same as in the national education sector.

Reply 8.4

29. Cadets of the Nation cannot be mobilized.

Reply 8.5

30. Cadets of the Nation have the right to appeal and the right to lodge complaints, as provided for in the legislation and regulations in force, in accordance with article 6 (2) of Presidential Decree No. 10-97 of 18 March 2010 on the status of the Cadets of the Nation.

Reply 8.6

31. Applicants to Cadets of the Nation academies are admitted subject to the signing of a contract by their legal guardian. The contract may be terminated at any time, on any of the following grounds:

- By decision of the disciplinary council for misconduct punishable by expulsion;
- By decision of the school council for physical incapacity or academic underachievement;
- At the request, formulated in accordance with the terms of the contract, of the legal guardian.

Reply 8.7

32. There is no obligation to enlist in the National People's Army after graduation.

Reply to the issues raised in paragraph 9

33. In accordance with Presidential Decree No. 08-340 of 26 October 2008 on Cadets of the Nation academies, the education curriculum and final examinations are the same as those in the national education sector, and teaching is provided by staff attached to the Ministry of National Education, seconded to the Ministry of National Defence.

34. Cadets take part in the end-of-cycle examinations organized by the Ministry of Education with a view to obtaining, after each cycle, a middle school certificate or a secondary school baccalaureate.

35. Cadets who are admitted to a Cadets of the Nation academy enjoy the civil and civic rights granted by law. They enjoy the protection of the State against threats, abuse, insults, defamation or attacks of any kind to which they may be subjected during their schooling.

36. Cadets enjoy freedom of belief.

37. Cadets are entitled to free health care in hospitals.

Reply to the issues raised in paragraph 10

38. Article 80 of the Criminal Code stipulates that those who have raised armed troops or had them raised, recruited or enlisted soldiers or had them recruited or enlisted, or provided them with weapons or ammunition, without an order or the authorization of the legitimate authority, shall be subject to the death penalty.

39. Under article 10 (2) of Presidential Decree No. 08-134 of 6 May 2008, regulating the conditions of recruitment of career officers of the National People's Army, individuals must be at least 18 years of age to apply the competitive recruitment examination.

40. Thus, a person cannot be recruited into the National People's Army as either a career or contractual member unless he or she meets the age requirement.

Reply to the issues raised in paragraph 11

41. Algeria has acceded to many international and regional legal instruments related to children's rights, in particular:

- The Convention on the Rights of the Child of 20 November 1989, ratified by Algeria by Presidential Decree No. 92-461 of 19 December 1992. It is stated in article 35 of the Convention that: "States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form."
- The African Charter on the Rights and Welfare of the Child, ratified by Algeria through Presidential Decree No. 03-242 of 8 July 2003.
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ratified by Algeria through presidential decree No. 03-417 of 9 November 2003. The Protocol, whose purposes include promoting cooperation among States Parties in order to meet its objectives, shall apply, except as otherwise stated, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of the Protocol, where those offences are transnational in nature and involve an organized criminal group, as well as to the protection of victims of such offences.
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified by Algeria through presidential decree No. 06-300 of 2 September 2006. According to article 6 of the Optional Protocol, each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of the Protocol within its jurisdiction. Article 7 provides that States Parties shall cooperate in the implementation of the Protocol, including in the prevention of any activity contrary thereto and in the rehabilitation and social reintegration of persons who are victims of acts contrary thereto, including through technical cooperation

and financial assistance. Such assistance and cooperation will be undertaken in consultation with the States Parties concerned and the relevant international organizations.

Reply to the issues raised in paragraph 12

42. Pursuant to its mandate, the National Body for the Protection and Advancement of Children, in coordination with sectors, State institutions and civil society, develops awareness-raising, advocacy, communication and training activities on topics related to respect for children's rights.

43. For example, several training sessions have been organized to strengthen capacity among those working in the field of child protection.

44. Social services professionals in open settings, brigades for the protection of vulnerable groups, journalists from various public and private media and civil society actors have received training focussing on children's rights.

45. Awareness-raising activities enable a better understanding of children's rights and trigger a process of change in behaviour and mindset among different groups of the population, while training ensures better knowledge of the legal framework for professionals working with and for children.

46. Article 80 of the Criminal Code stipulates that those who have raised armed troops or had them raised, recruited or enlisted soldiers or had them recruited or enlisted, or provided them with weapons or ammunition, without an order or the authorization of the legitimate authority, shall be subject to the death penalty.

Reply to the issues raised in paragraph 13

47. Article 304 bis 4 of the Criminal Code stipulates that trafficking in persons means the recruitment, transportation, transfer, harbouring or receipt of one or more persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to obtain the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include the exploitation of the prostitution of others or any other forms of sexual exploitation, the exploitation of others for begging, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs.

48. Trafficking in human beings is punishable by a prison term of 3 to 10 years and a fine of 300,000 to 1 million dinars. When the trafficking victim is a person in a vulnerable situation by reason of age, illness or physical or mental incapacity known or apparent to the perpetrator, the punishment is a prison term of 5 to 15 years and a fine of 500,000 to 1.5 million dinars.